

EXHIBIT 15

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

2024 MAR 29 P 15

for the

Kirk Russel Marsh

Plaintiff(s)

v.

Michael Edwards

Defendant(s)

Civil Action No.

1:24 CV 516

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Judge Michael Edwards
800 W State Street
Farmington UT 84025

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Kirk Russel Marsh
10036 Glenmore Rd
Fairfax VA 22032
(571) 430-9473

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 3/29/24

COPY
Signature of Clerk or Deputy Clerk

26 ENVELOPE PIECE 100 SECTION Document 5

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Judge Michael Edwards
800 W State Street
Farmington UT 84025



9590 9402 8754

2. Article Number (Transfer from service label)

9589 0710 5270 1019 8126 36

F - 00000011, July 2020 PSN 7530-02-000-9053

COMMITTEE 041521214W ON DELIVERY of 4 Pag

A. Signature ☒ Agent ☐ Addressee
B. Received by (Printed Name) AK BROWN C. Date of Delivery 4-3-24

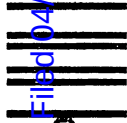
D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

Case #
1:24 CV 510

3. Service Type
☐ Adult Signature ☐ Registered MailTM
☐ Adult Signature Restricted Delivery ☐ Registered Mail Restricted Delivery
☐ Certified Mail[®] ☐ Certified Mail Restricted Delivery ☐ Signature ConfirmationTM
☐ Collect on Delivery ☐ Delivery Restricted Delivery ☐ Signature Confirmation Restricted Delivery
☐ Collect on Delivery Restricted Delivery ☐ Restricted Delivery (over \$500)

Domestic Return Receipt

24-cv-00516-PTG-IDB Document 5 Filed 04/12/24 Page 2 of 4 Page



SALE CITY UT 840



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 8732 3310 5770 84

United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box*

Kirk Russel Marsh
10036 Glenmere Rd
Fairfax VA 22032

2-161936

EXHIBIT 16

AGENDA

JUDICIAL CONDUCT COMMISSION MEETING

**Tuesday, 21 May 2024
11:00 a.m.**

**Judicial Conduct Commission
1385 S. State Street
Salt Lake City, Utah 84115**

NO.	ITEM	REPORTING	TAB
1	Welcome, Call to Order, Public Comment	Chair	1
2	Approval of Public Minutes	Chair	2
3	Director's report	Alex Peterson	3
4	Budget	Alex Peterson	4
5	Statistical Report	Alex Peterson	5
6	Motion to Close Public Meeting Approval of Confidential Minutes Confidential Matters	Chair	6
7	Next Meeting	Chair	
8	Other Business	Chair	
9	Adjournment	Chair	

Notice is hereby provided that the JCC will be meeting in person at our anchor location. The public is invited to attend at anchor location address above.

Persons with disabilities who require special accommodations are requested to contact the Judicial Conduct Commission, (801) 468-0021, at least 48 hours before the scheduled meeting date and time.

Tab 2

**MINUTES OF THE PUBLIC PORTION OF THE
JUDICIAL CONDUCT COMMISSION MEETING**

Tuesday, 16 April 2024 at 11:00 a.m.

**Judicial Conduct Commission
1385 S. State Street
Salt Lake City, Utah 84115**

Meeting was conducted at anchor location

Present:

Ms. Cheylynn Hayman, Chair
Sen. Jen Plumb
Sen. Mike McKell (video)
Rep. Brady Brammer
Hon. David Mortensen
Hon. Michael Edwards (video)
Mr. Stephen Studdert
Mr. Mark Raymond
Ms. Georgia Thompson

Excused:

Rep. Doug Owens
Ms. Michele Ballantyne

Staff:

Alex Peterson
Aimee Thoman

Guests / Public:

Justice Diana Hagen

1. Welcome. Chair called the meeting to order. The Chair welcomed Hon. Michael Edwards as a new member of the Judicial Conduct Commission. Public comment was allowed, none was given. Justice Hagen administered Oaths of Office to Hon. Michael Edwards and Hon. David Mortensen.

2. Approval of Minutes.

Motion:	Mr. Raymond	To approve the Minutes of the public portion of the 12 March 2024 meeting.
Second:	Ms. Thompson	
Vote:	Unanimous	

3. Director's Report. Mr. Peterson reviewed the Director's Report, updating the Commission on AJDC / CJEⁱ (x1), JPECⁱⁱ (x0), CCJJⁱⁱⁱ (x0), UCCD^{iv} (x0), AOC^v (x1), and GRAMA^{vi}/Press (x2) monthly requests. Staff working with adjacent agencies to relocate offices to 4th Floor. Staff conducting onboarding of new members. Staff working on annualized training requirements.

4. Budget. The staff reported on the FY24 budget through March 31, 2024 with total expenditures to date of \$273,623. Prior year savings resulted in a carry forward balance of \$52,841. The Judicial Conduct Commission has spent 64% of available funds through 75% of current FY. The projected remaining balance including balance from prior years is \$32,755.

5. Statistical Report.

Number of complaints filed to date in FY24 / E-complaints	140
Number of cases pending before the Supreme Court	0
Number of cases under formal charges	0
Number of cases under full investigation	6

Number of cases under preliminary investigation	44
Total number of open files	50
Oldest Case	420 days
Average Case age	101 days

In FY24, three (3) Public Actions and two (2) Dismissals with Warning have been issued. Thirteen (13) reconsideration requests received to date.

It has been acknowledged that the greater public access to complaint forms via the online complaint portal has resulted in a significant increased complaint case load with no increase in meritorious complaints submitted. Staff continues working on a loading page for the online complaint portal to emphasize the correct way to file appeals.

6. Closure of Meeting via roll call vote.

Motion: Rep. Brammer To close the meeting to the public for the purpose of discussing: the character, professional competence, or physical or mental health of an individual; or investigative proceedings regarding allegations of criminal misconduct; or pending or reasonably imminent litigation; or matters covered by attorney client privilege.

Second: Mr. Studdert

Vote: Unanimous By roll call

At the conclusion of the confidential portion of the meeting, the meeting was re-opened to the public.

7. Next Meeting and other matters. The Commissioners agreed to conduct a public meeting on 21 May 2024 at the anchor location at 11:00 am. The Chair approved Commissioner electronic attendance.

8. Adjournment.

Motion: Ms. Hayman To adjourn.

Second: Not required

Vote: Unanimous

ⁱ Association of Judicial Disciplinary Counsel / Center for Judicial Ethics

ⁱⁱ Judicial Performance Evaluation Commission

ⁱⁱⁱ Commission on Criminal and Juvenile Justice

^{iv} Utah Council for Citizen Diplomacy

^v Administrative Office of the Courts

^{vi} Government Records Access and Management Act

Tab 3



Alex G. Peterson
Executive Director

State of Utah

JUDICIAL CONDUCT COMMISSION

1385 S. State St., Suite 143
Salt Lake City, Utah 84115
Telephone: (801) 468-0021

MEMORANDUM

TO Judicial Conduct Commissioners

FROM Alex G. Peterson

DATE 16 May 2024

RE Director's Report

MESSAGE

1. JCC staff activities that have occurred beyond investigative responsibilities since our last meeting.
2. Information requests regarding the JCC processes / organization:

AJDC / CJE - 3, JPEC - 0, judicial nominations / CCJJ - 3, UCCD - 1, AOC / judicial retirements - 0 and GRAMA / Press - 1.
3. Staff working on relocation to 4th Floor in late June. Buildout and re-design proceeds on schedule.
4. New Oaths of Offices signed and originals sent to Archives.
5. Staff completing annualized training requirements as Records Officer, new expense reporting and travel management system training, and continuing legal education.
6. Working with Budget analyst for FY25, implementation of P4P (Pay for Performance), and increasing carry-over fund authorization.

AJDC / CJE is the Association of Judicial Disciplinary Counsel / Center for Judicial Ethics
JPEC is the Judicial Performance Evaluation Commission
CCJJ is the Commission on Criminal and Juvenile Justice
UCCD is the Utah Council for Citizen Diplomacy
AOC is the Administrative Office of the Court
GRAMA is the Government Records Access and Management Act

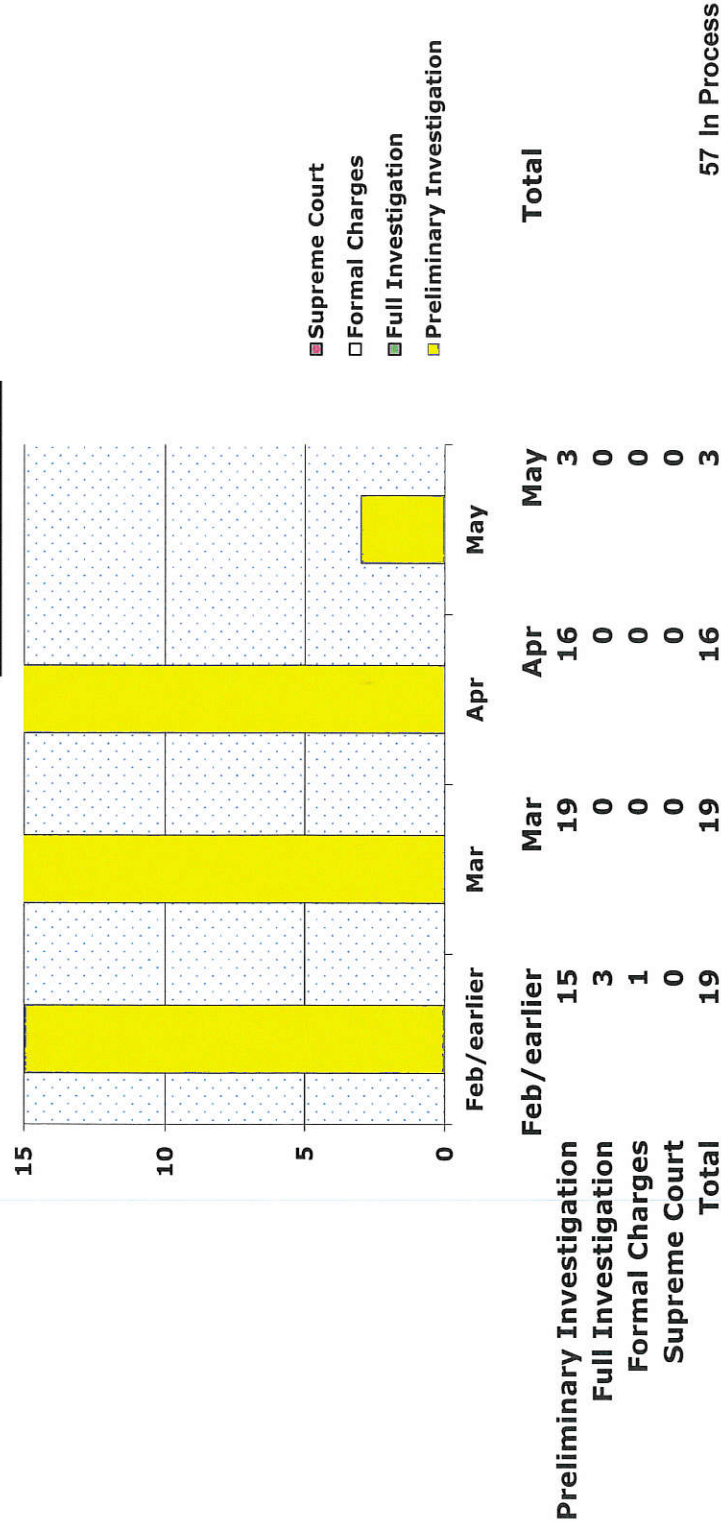
Tab 4

FY 2024 Budget Report - Through April 30, 2024

Description	Amount	Balance
FY 2024 Legislative Appropriation	\$376,100	\$376,100
Estimated FY 2023 Savings Carried into FY 2024	\$52,841	\$428,941
FY 2024 Expenditures through April 30, 2024	\$303,202	125,739
Percent of Current Fiscal Year Passed as of April 30, 2024	83.0%	
Percent of Legislative Appropriation Spent as of April 30, 2024	80.6%	
Percent of Available Funds Spent as of April 30, 2024	70.7%	
Estimated Carry Over From Prior Years	\$52,841.00	
Projected Remaining Balance Including the Balance From Prior Years	\$32,755	
Authorized non-lapsing Balance	\$100,000	

Tab 5

PENDING CASES



New Complaints Received Since 4/16/2024 **12**
Net Increase/Decrease Since 4/16/2024 **7**

Oldest Case / Goal / Previous **453 days / 180 days / 420 days**
Ave. Case age / Goal / Previous **103 days / 90 days / 101 days**
Supreme Court & Formal Charges cases excluded

FY 24 to date

Total Complaints / E-complaints	163
Total Reconsideration Requests	4
Total DWW	2
Total Public Actions	3

EXHIBIT 17

From: Russel kirkussel@gmail.com
Subject: Fwd: DOPL Complaint: Dana Emmons
Date: July 25, 2024 at 3:38 PM
To: Candice Kulbeth candice.kulbeth@gmail.com

R

----- Forwarded message -----

From: Benjamin Baker <benjaminbaker@utah.gov>
Date: Thu, Jul 25, 2024 at 3:45 PM
Subject: DOPL Complaint: Dana Emmons
To: <kirkussel@gmail.com>

Hi Mr. Marsh,

I received and reviewed your complaint regarding Dana Emmons. As there is pending litigation, DOPL can not investigate your complaint at this time. After your lawsuit has been adjudicated you may refile your complaint and we can look at it at time.

Thank you for your time and concern in this matter.

Take Care,

--

Benjamin Baker I Lead Investigator



**UTAH DEPARTMENT
OF COMMERCE**

Division of Professional Licensing

M: 801-580-3049
Bureau of Investigation
160 E 300 S (Broadway)
Salt Lake City, UT 84114
www.dopl.utah.gov

EXHIBIT 18

STEPHEN OLER (U.S.B. 11740)
Assistant Attorney General
SEAN D. REYES (U.S.B. 7969)
Utah Attorney General
Commercial Enforcement Division
Heber M. Wells Building
Box 140872
Salt Lake City, UT 84114-6741
Telephone: (801) 366-0310
steveoler@agutah.gov

**BEFORE THE DIVISION OF PROFESSIONAL LICENSING
DEPARTMENT OF COMMERCE
STATE OF UTAH**

IN THE MATTER OF THE LICENSE OF
DANA EMMONS
UTAH LICENSE #10143380-3902
TO PRACTICE AS A
MARRIAGE AND FAMILY THERAPIST
IN THE STATE OF UTAH

STIPULATION AND ORDER

CASE NO. DOPL 2024- 226

DANA EMMONS (“Respondent”) and the Division of Professional Licensing of the Department of Commerce of the State of Utah (“Division”) stipulate and agree as follows:

1. Respondent admits the jurisdiction of the Division over Respondent and over the subject matter of this action.
2. Respondent acknowledges that Respondent enters into this Stipulation knowingly and voluntarily.
3. Respondent understands that Respondent has the right to be represented by counsel in this matter, and Respondent’s signature below signifies that Respondent has either consulted with an attorney or Respondent waives Respondent’s right to counsel in this matter.
4. Respondent understands that Respondent is entitled to a hearing before Utah’s Marriage and Family Therapist Licensing Board (“Board”), or other Division Presiding Officer, at which time Respondent may present evidence on Respondent’s own behalf, call witnesses, and

confront adverse witnesses. Respondent understands that by signing this document, Respondent waives the right to a hearing, the right to present evidence on Respondent's own behalf, the right to call witnesses, the right to confront adverse witnesses, and any other rights to which Respondent may be entitled in connection with said hearing. Respondent understands that by signing this document, Respondent knowingly and intelligently waives the right to all administrative and judicial review as set forth in Utah Code Ann. §§ 63G-4-301 through 63G-4-405, and Utah Administrative Code R151-4-901 through R151-4-907. Respondent and the Division hereby express their intent that this matter be resolved expeditiously through stipulation as contemplated in Utah Code Ann. § 63G-4-102(4).

5. Respondent waives the right to the issuance of a Petition and a Notice of Agency Action in this matter.

6. Respondent acknowledges that this Stipulation and Order, if adopted by the Director of the Division, will be classified as a public document. The Division may release this Stipulation and Order, as well as other information about this disciplinary action against Respondent's license, to other persons and entities.

7. Respondent admits the following facts are true:

- a. Respondent was first licensed as a marriage and family therapist in the State of Utah on or about January 18, 2017.
- b. In October and November 2021, during a therapy session, a client offered to help Respondent move, and Respondent accepted. Using his own truck, the client helped Respondent move her belongings from her home to a storage unit, and from one storage unit to another.
- c. In December 2021, Respondent asked the same client to loan her approximately \$2,000, which the client did. Respondent then asked the client for an additional \$3,000 loan. The client did not loan the additional amount. Respondent paid the loan back.

- d. Respondent did not seek consultation from a colleague, professional association, professional code of ethics, or legal counsel before engaging in the above behavior.
- e. The Division has received statements from three of Respondent's employers that Respondent did not properly create and enter mental health records for her clients.
- f. The Division has received complaints from Respondent's clients stating that Respondent shares too much information about her personal life during therapy sessions.
- g. Although Respondent was in good standing in the Oklahoma when she applied for licensure in the State of Utah, the Division previously disciplined Respondent, in case number DOPL 2017-566, for failing to disclose a former licensing investigation in Oklahoma, in which Respondent accepted a loan from a client.
- h. Respondent desires to surrender Respondent's license to practice as a marriage and family therapist in the State of Utah, along with all residual rights to said license.

8. Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann. § 58-1-501(2)(a)(1) and Utah Admin. Code R156-60b-502(5), (13); and that said conduct justifies disciplinary action against Respondent's license pursuant to Utah Code Ann. § 58-1-401(2).

9. Respondent hereby surrenders Respondent's license to practice as a marriage and family therapist in the State of Utah along with all residual rights pertaining to said license. Respondent agrees not to reapply for licensure as a marriage and family therapist in the State of Utah for a period of five years from the effective date of this Stipulation and Order. The Division does not guarantee that any future application by Respondent for licensure will be granted. If the Division Director accepts the terms of this Stipulation and Order, Respondent forfeits all rights to practice as a marriage and family therapist in the State of Utah. Respondent understands that Respondent will not receive any refund of license or renewal fees previously paid to the Division.

10. The effective date of this Stipulation and Order is September 30, 2024.

Respondent shall maintain an active license until September 30, 2024, at which time Respondent's license shall be immediately surrendered and Respondent shall cease practicing as a marriage and family therapist in the State of Utah. Respondent understands that this Stipulation and Order is binding, meaning Respondent may not cancel this agreement after it is signed.

11. Upon approval by the Director of the Division, this Stipulation and Order shall be the final compromise and settlement of this non-criminal administrative matter. Respondent acknowledges that the Director is not required to accept the terms of this Stipulation and Order and that if the Director does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Division and Respondent waive any claim of bias or prejudgment they might otherwise have with regard to the Director by virtue of having reviewed this Stipulation, and this waiver shall survive such nullification.

12. This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings, or agreements between the parties regarding the subject of this Stipulation and Order. There are no verbal agreements that modify, interpret, construe, or affect this Stipulation.

13. If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanctions, in the manner provided by law.

14. Respondent understands that the disciplinary action taken by the Division in this Stipulation and Order may adversely affect any license that Respondent may possess in another state or any application for licensure Respondent may submit in another state.

15. Respondent has read and understands each and every paragraph contained in this Stipulation and Order. Respondent has no questions about any paragraph or provision contained in this Stipulation and Order.

DIVISION OF
PROFESSIONAL LICENSING


JANA JOHANSEN
Bureau Manager

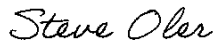
Date: 8/1/24

RESPONDENT

Dana Emmons (signed by counsel with permission)
DANA EMMONS

Date: August 1, 2024

SEAN D. REYES
UTAH ATTORNEY GENERAL


STEPHEN OLER
Counsel for the Division

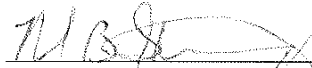
Date: August 1, 2024

ORDER

THE ABOVE STIPULATION, in the matter of **DANA EMMONS**, is hereby approved by the Division of Professional Licensing, and constitutes my Findings of Fact and Conclusions of Law in this matter. The issuance of this Order is disciplinary action pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann. § 58-1-401(2). The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED August 2, 2024

DIVISION OF PROFESSIONAL
LICENSING



MARK B. STEINAGEL

Division Director

or

DEBORAH BLACKBURN

Assistant Division Director

Investigator: Ben Baker